

**THIS BY-LAW REPLACES PREVIOUS BY –LAW 10-2004 AND PERMITS WILL NO LONGER BE ISSUED. BURNING IS ONLY PERMITTED IN ACCORDANCE WITH THIS BY-LAW. ENSURE YOU UNDERSTAND, FOLLOW AND KEEP THIS BY-LAW FOR FUTURE REFERENCE**

## **CORPORATION OF THE TOWNSHIP OF MULMUR BY-LAW NO. 18 –14**

### **BEING A BY-LAW TO REGULATE THE SETTING OF OPEN AIR FIRES AND TO PREVENT THE SPREADING OF FIRES IN THE TOWNSHIP OF MULMUR**

**WHEREAS** the Ontario Fire Code, Ontario Regulation 213/07, 2.6.3.4 (1) provides that open air burning shall not be permitted unless approved, or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbeque;

**AND WHEREAS** the *Fire Prevention and Protection Act*, 1997, S.O. 1997, c.4, as amended, that a Council of a municipality may pass by-laws regulating fire prevention, including the prevention of spreading of fires and regulating the setting of open air fires, including establishing the times during which open air fires may be set;

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MULMUR HEREBY ENACTS AS FOLLOWS:**

1. Every person setting, permitting to be set, maintaining, or permitting to be maintained, an open air burn authorized under any section of this by-law shall comply with all the conditions set out herein.
2. Every person shall have read and understand the provisions of this By-law and if the person setting the fire is not the owner of the land, the owner shall ensure that the person setting the fire or is responsible for the fire has read and understands the provisions of this By-law.
3. Every person shall comply with the following regulations:
  - A. The fire must be under constant supervision, have an extinguishing agent on hand and be under control from the time of lighting until it is totally extinguished;
  - B. The fire must be located no closer than 15 metres, (50 feet), from any building, structure, hedge, fence, road or overhead wire or obstruction of any kind;
  - C. There must be a space free and clear of combustible material around the perimeter of such fire of at least 4.5 metres, (15 Feet);
  - D. A fire shall not be burned during periods of dry conditions or drought or when a prohibition has been declared pursuant to Section 11 of this by-law;
  - E. A fire shall not be burned when the wind velocity exceeds 16 k.p.h. (10 m.p.h.);
  - F. The dimension of a fire shall not exceed 3 metres, (10 feet), in diameter or 2 metres, (6 feet), in height for rural properties;
  - G. The dimension of a fire shall not exceed 1 metre, (3 feet), in diameter or 2 metres, (6 feet), in height for urban properties;
  - H. Fires shall be set only during daylight hours;
  - I. The burning of tires, materials such as paint, asphalt material, chemical wastes or any other materials considered to create excessive smoke or any materials that the Ministry of the Environment states can not be burned is prohibited;
  - J. All persons setting open fires shall be totally responsible and liable for any damage to property occasioned by the said fire, and
  - K. All persons setting open fires may be liable for the cost of any fire fighting equipment and personnel necessary and called in to extinguish the said fire, if conditions of this by-law are not complied with.

4. Small, confined fires and contained camp fires used for cooking are permitted but must comply with the following regulations:
  1. Such fires shall be located no closer than 6 metres, (20 feet), from any building, structure, hedge, fence, road or overhead wire or obstruction of any kind;
  2. Such fires shall not exceed 1 metre, (3 feet), in diameter or 1 metre, (3 feet), in height and be contained;
  3. Sections 3 (b), (f), (g) (h) shall not apply to fires burned pursuant to this section; and
  4. All other sections/subsections of this by-law shall apply
5. This By-Law shall not apply to portable barbecue appliances.
6. In the event any person proposes to start or set a fire which is larger than the maximum size provided in Section 3 or 4, such person shall contact the Fire Chief, or his/her designate, to request a site inspection. If the Fire Chief or his/her designate deems it necessary to conduct an on site inspection, a fee according to the Fire Department Tariff of Fees By-law shall apply. The Fire Chief or his/her designate may or may not authorize the fire to be ignited, subject to such conditions as the Fire Chief or his/her designate may impose, issued in writing. The person requesting permission for this authorization shall comply with all provisions of this by-law.
7. Any fire authorized under this By-Law must not in any way cause discomfort, danger, irritation or create a nuisance for other residents of the Township of Mulmur and must comply with all relevant provisions of the *Environmental Protection Act*, R.S.O. 1990, Chapter E. 19.
8. The Fire Chief(s) or his/her designate is authorized to order any person to extinguish any fire or to cause such fire to be extinguished when there is a breach of any of the provisions of this By-Law or where, in his/her opinion, there is a danger of such fire spreading or otherwise endangering life or property and the person shall comply with any such order.
9. Should the Fire Chief(s) or his/her designate find that a fire has been started/set and does not conform to the provisions of this by-law and/or could pose a safety hazard or concern, the Treasurer of the Township of Mulmur shall be notified in writing and the Township of Mulmur shall invoice the property owner for the cost of any firefighting equipment, personnel and/or clean-up costs required as designated in the Fire Department Tariff of Fees.
10. Should the fees as stated in Section 9, not be paid within 30 days, the Treasurer may place these costs on the property, to be collected in the same manner as taxes.
11. The Fire Chief(s) or his/her designate may declare a total prohibition against outdoor burning when in his/her opinion atmospheric conditions or local circumstances make such fires hazardous and every person shall comply with such prohibition.
12. The Fire Chief(s) or his/her designate appointed by the Township of Mulmur are hereby authorized to enforce the provisions of this By-Law.
13. Should any section, paragraph, clause or provision of the By-law be held by a court or competent jurisdiction to be invalid, the same shall not affect the validity of the remainder of the By-law.
14. Mulmur Township By-Law No. 10-2004 is hereby repealed.
15. This By-Law shall take effect and come into force on the passing thereof.

Read a FIRST and SECOND time this 2ND day of JULY , 2014.

Read a THIRD time and finally passed this 2ND day of JULY , 2014.

*Paul Mills*

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MAYOR

*Terry Horner*

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CLERK.